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J1050 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6087D
 Anticipated Classification of this application:
 Class: 435 Subclass:
 Prior application: Examiner: Zara, J.
 Art unit: 1635

The Honorable Commissioner of Patents
 BOX PATENT APPLICATION
 Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 09/376,774 filed on August 17, 1999, entitled **Methods to Enhance and Confine Expression of Genes**.

1. ☒ Enclosed is a new specification with claims and drawings and contain no new matter, including the declaration as originally filed.
2. ☒ Small entity status under 37 CFR 1.9 and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

For:	No. filed	No. extra
Basic Fee		
Total claims*	20 = <u>27</u>	<u>7</u>
Indep. claims*	3 = <u>5</u>	<u>2</u>

0 Multiple Dependent Claim Presented

<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
Rate	Fee		Rate	Fee
	\$370.00	or		\$.00
<u>2</u> x \$42 = \$ <u>84</u>		or	<u> </u> x \$	= \$ <u> </u>
<u>7</u> x \$ 9 = \$ <u>63</u>		or	<u> </u> x \$	= \$ <u> </u>
+ \$ = \$ <u>0-</u>		or	\$	= \$ <u> </u>
TOTAL	\$ <u>517.00</u>	or	TOTAL	\$ <u> </u>

4. a. A check in the amount of \$ is enclosed.
- b. ☒ The Commissioner is hereby authorized to charge the \$517.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185..

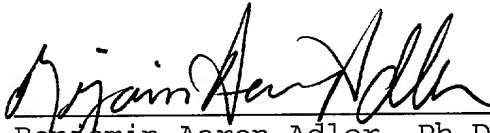
5. X Claims as submitted herewith correspond to original claims 2-28 and contain no new matter. No new claims have been added (At least one original independent claim is retained for filing purposes.)
6. X This application is a divisional application of U.S.S.N. 09/376,774 filed on August 17, 1999 which claims priority of provisional U.S.S.N. 60/096,947, filed on August 18, 1998, now abandoned.
7. — Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. X 10 drawings are enclosed.
9. — Priority of application serial no. filed on in —, is claimed under 35 U.S.C. 119.
— The certified copy of the priority application has been filed in prior application serial no.
10. a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
X the same
b. X The inventorship for all the claims in the application are:
X the same
— not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. X The prior application is assigned of record to Research Development Foundation and is located on Reel 011157/Frame 0109.
12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.
a. X The power appears in the original papers in the prior application in the form of a Revocation and New Power of Attorney (copy enclosed).
b. — Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.

- c. X Address all future communications to:

Dr. Benjamin Adler
Adler & Associates
8011 Candle Lane
Houston, Texas 77071

13. — A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
- a. — A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
14. — The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

Jan 18, 2002
Date


Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Attorney for Applicant

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10054345-041802

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CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EL868052475US in an envelope addressed to: The Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231, BOX PATENT APPLICATION, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: 18 Jan 2002



Benjamin Aaron Adler, Ph.D, J.D.
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